

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

DIANA ORTIZ ANGLADA

Plaintiff(s)

v.

CIVIL NO. 96-1875 (JAG)

HECTOR ORTIZ PEREZ, et al

Defendant(s)

ORDER

Plaintiff Diana Ortiz Anglada has objected to Magistrate-Judge Justo Arenas' Report and Recommendation that the Complaint be dismissed for lack of subject matter jurisdiction (no complete diversity between plaintiff and defendants). Ms. Ortiz grounds her objections on the arguments and facts advanced in her opposition to defendants' Motion to Dismiss.

We have carefully reviewed Magistrate-Judge Arenas' thorough Report and Recommendation as well as the record (mainly consisting of plaintiff's Deposition and Exhibits) and are persuaded that at the time of the filing of the Complaint, Ms. Ortiz was domiciled in Puerto Rico and, hence, shares the same citizenship with defendants.

Ms. Ortiz's suggestion that her domicile for jurisdictional purposes poses a question of fact to be determined by a jury is untenable. See Valentín v. Hospital Bella Vista, 254 F3d 358 (1st

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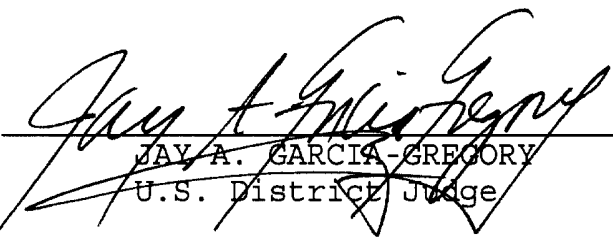
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Cir., 2001) (Court must decide jurisdictional issue even if there are disputed issues of fact).

The Court adopts in its entirety Magistrate-Judge Arenas' Report and Recommendation and dismisses the Complaint for lack of subject matter jurisdiction. Judgment shall be entered accordingly.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 18th day of September, 2001.


JAY A. GARCIA-GREGORY
U.S. District Judge